

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

COREY BRACEY,	)	
	)	
Plaintiff,	)	Case No. 1:11-cv-4-SJM-MPK
	)	
v.	)	
	)	
	)	
SUPERINTENDENT HARLOW, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Pending before the Court in the above-captioned matter are two appeals from the Magistrate Judge's rulings. Specifically, Plaintiff has filed an appeal (styled as "objections") [134] to the Magistrate Judge's Memorandum Order of December 19, 2012 [132] denying without prejudice Plaintiff's Motion for Spoliation Hearing and/or Sanctions [127] and directing the Defendants to file appropriate affidavits concerning the custody and control of certain video surveillance evidence. Additionally, Plaintiff has filed an appeal (against styled as "objections") [151] to the Magistrate Judge's Memorandum Order of January 15, 2013 [137], which denied as moot Plaintiff's Motion for Sanctions/Extension of Time/ and Motion to Compel [131] and further denied as frivolous and spurious Plaintiff's Motion for Discovery and/or Spoliation Sanctions [133].

In accordance with the deferential standard of review established by 28 U.S.C. §636, a "[d]istrict [c]ourt may reverse a magistrate judge's ruling regarding a non-dispositive issue such as discovery only if it is 'clearly erroneous or contrary to law.'" It is well settled that "Magistrate Judges have broad discretion to manage their docket and

to decide discovery issues.” See *Gerald Chamales Corp. v. Oki Data Americas, Inc.*, 247 F.R.D. 453, 454 (D.N.J. 2007) (citing cases). See *Ball v. C.O. Struthers*, Civil No. 1:11-CV-1265, 2011 WL 4891026 at \*1 (M.D. Pa. Oct. 13, 2011) (“District courts provide magistrate judge’s with particularly broad discretion in resolving discovery disputes.”) (citing *Farmers & Merchs. Nat’l Bank v. San Clemente Fin. Group Sec., Inc.*, 174 F.R.D. 572, 585 (D.N.J. 1997)). “When a magistrate judge’s decision involves a discretionary (discovery) matter..., ‘courts in this district have determined that the clearly erroneous standard implicitly becomes an abuse of discretion standard.’” *Ball, supra*, at \*1 (quoting *Saldi v. Paul Revere Life Ins. Co.*, 224 F.R.D. 169, 174 (E.D. Pa. 2004)).

This Court having considered Plaintiff’s appeals (at Doc. Nos. [134] and [151]) and finding no abuse of the Magistrate Judge’s discretion in regards to her rulings of December 19, 2012 [132] and January 15, 2013 [137], and further finding that the Magistrate Judge did not commit clear error or otherwise act contrary to law, see 28 U.S.C. § 636(b)(1)(A), therefore, IT IS ORDERED this 8<sup>th</sup> Day of May, 2013 that the instant appeals shall be, and hereby are, DENIED and the aforementioned orders of the Magistrate Judge shall be, and hereby are, AFFIRMED.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN  
Chief U.S. District Judge

cm: All counsel of record.